

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

February 13, 2008

I. ROLL CALL

Present: Ali-Santosa, Tabladillo and Williams
Absent: None
Staff: Ah Sing, Bejines, Hom, Lindsay and Ogaz

1. "S" AMENDMENT SA07-0007

ZONE NO.

Cindy Hom, Junior Planner, presented a request to remove two existing monument signs and install one 5'-11" and one 3'-10" double faced illuminated monument signs located near the Foothill Square Shopping Center driveway entrances at 361 Jacklin Road. Ms. Hom recommended approval subject to findings and conditions of approval.

Motion to approve "S" Zone Amendment No. SA07-0007.

M/S: Tabladillo/Williams

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 6:40 p.m.

APPROVED

PLANNING COMMISSION MINUTES

February 13, 2008

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
OATH OF OFFICE FOR
NEW COMMISSIONER**

Mary Lavelle, City Clerk, swore in **Alex Galang** as a member of the Planning Commission. Commissioner Galang then took his place along the Commissioners to become part of the voting body for the agenda items.

**III.
ROLL CALL**

Present: Ali-Santosa, Ciardella, Galang, Mandal, Tabladillo and Williams
Absent: Sandhu
Staff: Ah Sing, Bejines, Lindsay, Maxwell, Ogaz and Oliva

**IV.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**V.
APPROVAL OF MINUTES
January 23, 2008**

Chair Williams called for approval of the minutes of the Planning Commission meeting of January 23, 2008.

There were no changes to the minutes

Motion to approve the minutes of January 23, 2008.

M/S: Mandal/Ciardella

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Galang)

**VI.
ANNOUNCEMENTS**

James Lindsay, Planning and Neighborhood Services Director, announced there is enough in the training budget to send six Planning Commissioners to the Planners Institute which will be held at the Sacramento Convention Center from March 26-28. Please let Veronica Bejines know by the end of the week to make reservations.

APPROVED

Planning Commission Minutes

February 13, 2008

**VII.
CONFLICT
OF INTEREST**

City Attorney Mike Ogaz asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

Commissioner Galang stated that he did not feel comfortable voting under public hearing because he was not able to review his packet in time and asked if he could still remain on the dais.

City Attorney Mike Ogaz said that if Commissioner Galang chooses not to vote because he does not feel informed on the topics he may choose to do so and remain on the dais.

**VIII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

There were no changes to the agenda.

Motion to approve the agenda as submitted.

M/S: Mandal/Ali-Santosa

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Galang)

**IX.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no items on the consent calendar.

**X.
PRESENTATION**

**1. MILPITAS PARKING
TASK FORCE TASK 2
TECHNICAL
MEMORANDUM**

Joe Oliva, Principal Transportation Planner, presented the Parking Task Force Task 2 Technical Memorandum which focuses on the comparison of the City's off-street parking requirements to other local agencies requirements and national standards. Mr. Oliva recommended that the Commission note, receipt and file.

Commissioner Ciardella suggested that the City install parking meters in a business district. Mr. Oliva said that is certainly a possibility in the future.

Commissioner Ciardella said that it is very hard to find on-street parking near Parc Metro and Parc Place. Mr. Oliva said that a lot of families have more than two cars and Parc Metro only provides one or two parking stalls and said it is very inconvenient for people to park on the street.

Commissioner Ciardella said there is a homeowner in his neighborhood that has seven cars and asked if Mr. Oliva is seeing a trend. Mr. Oliva said it is a combination of factors such as household sizes, multiple families living in households, newer homes that do not have adequate storage, higher auto ownership rates and/or homes without driveways and said a lot of other cities are struggling with parking problems.

Chair Williams said he is seeing a problem with multiple occupancies and it is affecting the quality of life. He suggested that the City reach out to Homeowner Associations (HOA) and come up with ideas such as having stricter street cleaning days or not parking on the street. He asked if the Task Force could look into this.

Mr. Oliva said the Task Force is targeting HOA's for public outreach to discuss parking problems and come up with solutions.

Commissioner Tabladillo said she is concerned about redoing parking policies without penalizing families. Mr. Oliva said the Task Force wants to expand on the categories in the zoning ordinance, to cover more uses and build in flexibility and to be fair to applicants.

Commissioner Ciardella pointed out that the City of Menlo Park does not allow residential on-street parking from 11 p.m. to 6 a.m.

City Attorney Mike Ogaz said while this is not a public hearing item, the Open Government Ordinance does require that anyone wishing to speak be given the opportunity.

Chair Williams opened the public hearing.

Frank De Smidt, Parking Task Force and Economic Development Commission, said a task force member brought a diagram that showed how close the two buildings are near the Great Mall and how difficult it is to get in and out of the parking garage. He is concerned that there is not enough guest parking for residential projects and is also concerned about tandem parking.

Vice Chair Mandal said since he is a member of the Parking Task Force, would he be able to vote on the suggestions that the Task Force bring forward. City Attorney Mike Ogaz said it would be acceptable for Vice Chair Mandal to vote and the final approval authority by ordinance will be at the City Council.

Chair Williams noted that the Milpitas Parking Task Force Task 2 Technical Memorandum is a note, receipt and file.

XI. PUBLIC HEARING

2. "S" ZONE AMENDMENT NO. SZ08-0002

Cindy Maxwell, Project Planner, presented a request to amend a special condition of approval, No. 23a, relating to construction noise for the Aspen Family Apartments, a residential project of 101 apartments at 1666 South Main Street. The request is to allow project construction to occur on Saturdays and Sundays between 7 a.m. and 6 p.m. Ms. Maxwell recommended that the Commission Adopt Resolution 08-007 for approval.

Chair Williams asked if this condition was changed because of the recent storms and impact to construction activity. Ms. Maxwell deferred the question to the applicant.

Vice Chair Mandal asked if this condition is the standard for all projects. Ms. Maxwell said it depends on the project. If there is a need to mitigate noise because of residents nearby, the City will restrict the hours and days of operation on the weekends. However in this case, the noise study indicated that mitigating construction noise because of the distance was not a significant impact needing mitigation.

APPROVED
Planning Commission Minutes
February 13, 2008

Commissioner Ali-Santosa said Ms. Maxwell mentioned that the Pines neighborhood is 500 feet away however he is concerned about construction traffic affecting the neighborhood. He said others might be sensitive to the noise and he would like to have a six month review to address potential concerns.

Commissioner Tabladillo asked about the resident that submitted a letter opposing the construction hours and asked how close that resident is to the project. Ms. Maxwell said the resident lives on Clear Lake Avenue and that is in the Parktown area and not in close vicinity to the site.

Mr. Lindsay clarified that some residents within Parktown were included in the mailing list which generated this response.

Vice Chair Mandal asked if this was the only response staff received and Ms. Maxwell said yes.

Chair Williams invited the applicant to speak.

Joe Pagano, Applicant with Global Premier, said they are on a tight budget and had to modify their plans and that is why they are requesting construction on the weekends.

Chair Williams asked Mr. Pagano if he would be in agreement with a six month review and Mr. Pagano said yes.

Chair Williams opened the public hearing.

There were no speakers in the audience.

Motion to close the public hearing.

M/S: Tabladillo/Mandal

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Galang)

Vice Chair Mandal asked when will the project be completed and Mr. Pagano said they want to complete the project by December 31, 2008.

Commissioner Tabladillo asked how much more demolition needs to be done and Mr. Pagano said demolition is complete.

Commissioner Ali-Santosa recommended that the review period be shortened to three months and the applicant agreed.

Motion to approve "S" Zone Amendment No. SA08-0002 and adopt Resolution No. 08-007 with the added condition of a three month review.

M/S: Ali-Santosa/Mandal

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Galang)

**3. ZONING
AMENDMENT NO.
ZA08-0001**

Sheldon Ah Sing, Senior Planner, presented a consideration of amendments to the zoning ordinance, sign ordinance and open government ordinance texts. The City proposes to amend the zoning ordinance, sign ordinance and open government ordinance as follows: Amending the Zoning Ordinance by: 1) clarifying Section 42, "S" Combining District and streamlining the entitlement review process by; a) renaming "Combining" to "Overlay"; b) renaming the "S" Zone entitlement to "Site Development Permit" and creating a "Minor Site Development Permit" for Planning Commission Subcommittee projects; c) requiring only certain types of roof materials be reviewed by said Subcommittee, with other roof reviewed by staff; d) requiring only significant decorative amenities be reviewed by said Subcommittee, with other minor features reviewed by staff; e) requiring only additional light standards within non-residential zones adjacent to residential areas be reviewed by said Subcommittee; f) require only chain link fencing be reviewed by said Subcommittee; g) requiring that all single family and duplex residential additions be reviewed by staff and all multi-family residential additions greater than 200 square feet be reviewed by said Subcommittee; h) require that above ground equipment be reviewed by staff; 2) requiring model home projects to be reviewed by staff; 3) requiring only food supermarkets located within 2,000 feet of residential development to require a Conditional Use Permit (projects outside 2,000 feet of residential development may be reviewed by staff); 4) allowing staff to review stealth designed wireless facilities; and 5) ensuring internal consistency within the ordinance through ancillary text amendments. Amending the Sign Ordinance by: 1) allowing freestanding signs under six feet to be reviewed by staff and 2) allowing signs for single-tenant buildings to be reviewed by staff. Amending the Open Government Ordinance by: 1) increasing the public notification radius for General Plan Amendments, Zoning Amendments, Conditional Use Permits and Environmental Impact Report to 1,000 feet; 2) increasing the public notification radius for Variances to 500 feet; 3) require at least one community meeting for General Plan Amendments, Zoning Amendments and Environmental Impact Reports; and 4) require the City to provide a ¼ page advertisement in a local newspaper for General Plan Amendments, Zoning Amendments, Conditional Use Permits and Variances. Mr. Ah Sing recommended the Planning Commission Adopt Resolution 08-006, recommending approval to the City Council.

Chair Williams said he has concerns about A frame signs that end up on public property and asked how does staff enforce this since it is done on a complaint basis only and not proactively.

City Attorney Mike Ogaz said that the municipal code allows for enforcement of any provision that is violated within the code and that would include prohibition against A frame signs by issuance of an infraction citation and those range in \$100 for the first violation, \$200 for second violation and \$500 for a third violation.

Mr. Lindsay said that currently, the Planning Commission does not have a role within the appeal process as it currently stands within the code. Some of the comments that were heard in the last meeting about due process with the staff decisions is that staff is recommending that the Planning Commission consider a role within the appeal process if that staff does make a decision at the counter and the applicant is in disagreement and they would like to have another body review, instead of having the issue going straight to Council, it would go to the Planning Commission first. Staff felt that this was a good idea and if the Commission agrees, will take this recommendation to Council.

Chair Williams and Vice Chair Mandal said they are in agreement with the Planning Commission taking on the appeal process.

APPROVED
Planning Commission Minutes
February 13, 2008

Commissioner Ciardella asked how staff would determine a six foot fence if it is built on a planter box. Mr. Ah Sing said it would be determined from the finished grade on either side of the fence with the highest elevation.

Commissioner Galang asked what type of roof materials will be reviewed by the Subcommittee. Mr. Ah Sing said staff is proposing that the Subcommittee review a change from existing roofing to wood shake, non tri-laminate or metal roofing.

Commissioner Tabladillo asked why minor site development decisions that would be rendered by the Subcommittee are appealed to the City Council and not the Planning Commission. Mr. Ah Sing said that is the way the code is currently written and would like direction to recommend to City Council that the Planning Commission receive the appeals before they go to City Council.

Commissioner Tabladillo felt that it would be a good idea because it would give the applicant the opportunity to appeal first to the Planning Commission rather going straight to Council.

Commissioner Tabladillo asked if this is a standard that other cities have. Mr. Lindsay said the Planning Commission Subcommittee is a very unique feature of the City of Milpitas and he is not aware of any other city that has a Subcommittee like this within the County. As far as the appeal process of staff's decision going to a Planning Commission, staff did not survey other cities to see if there is a similar process.

City Attorney Mike Ogaz said it is very common for a Planning Commission to review decisions before going to City Council.

Chair Williams opened the public hearing.

Frank De Smidt, Chamber of Commerce, said he was on two sign code enforcement task force. He said each time the sign ordinance was reviewed they suggested pro-active enforcement however the Council reversed that and voted against it because they did not want City staff looking for violators. He said the only way A frame signs are enforced would be if they are in the public right-of-way or blocking pedestrians. He agreed with Chair Williams that it might be a good idea for staff to review the enforcement of A frame signs.

Motion to close the public hearing.

M/S: Mandal/Ciardella

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Galang)

Motion to approve Zoning Amendment No. ZA08-0001, Adopt Resolution 08-006 recommending approval to the City Council with the modification that the Planning Commission serve as the appellate body for decisions that are made at the staff and Subcommittee level.

M/S: Mandal/Ali-Santosa

AYES: 5

NOES: 0

ABSTENTION: 1 (Galang)

**XII.
ADJOURNMENT**

The meeting was adjourned at 8:33 p.m. to the next regular meeting of February 27, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

The foregoing minutes were approved by the Milpitas Planning Commission as submitted on February 27, 2008.

Veronica Bejines
Recording Secretary

APPROVED
Planning Commission Minutes
February 13, 2008